

## **REMARKS**

Claims 1-10, 12-21, 23, 30-31, 38-39, and 47 have been cancelled. Claims 22, 28 and 36 have been amended to clarify the subject matter regarded as the invention. New Claims 48-50 have been added. Claims 11, 22, 24-29, 32-37, 40-46, and 48-50 are pending.

### ***Claim Rejections – 35 U.S.C. §112***

Claims 22, 28, and 36 have been amended in a manner that is believed to render the Examiner's rejection under 35 U.S.C. §112 moot.

### ***Claim Rejections – 35 U.S.C. §102(e)***

The Examiner has rejected all pending claims (Claims 11, 22, 24-29, 32-37, and 40-47) under 35 U.S.C. §102(e) as being anticipated by Woolston (U.S. Patent No. 5,845,265). The Examiner has also rejected all pending claims under 35 U.S.C. §102(e) as being anticipated by Fisher et al. (U.S. Patent No. 6,243,691). The rejections are respectfully traversed.

As amended, independent Claims 22, 28 and 36 each recite that the market specification console receives from a first user "a specification of a sequence of market phases" such that the "behavior within each market phase and an ordering of successive market phases are governed by a combination of rules selected by the first user." Independent Claims 22, 28, and 36 further recite that the programmable server manages the trade of at least one good or service in accordance with the market protocol defined by the first user. Support for the amendments may be found, without limitation, on Page 6 of the Specification. As neither Woolston nor Fisher discloses a user selecting a combination of rules to specify a sequence of market phases that form a market protocol, independent Claims 22, 28 and 36 are believed to be allowable.

The remaining claims depend, either directly or indirectly, from one of the aforementioned independent claims and are therefore believed to be allowable for the same reasons described above.

*New Claims*

New Claims 48-50 depend from Claims 22, 28, and 36 and are believed to be allowable.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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